



B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zhong et al.
Serial No. : 09/265,788
Filed : March 10, 1999
Title : AQUEOUS CLEANING AND DISINFECTING COMPOSITIONS BASED
ON QUATERNARY AMMONIUM COMPOUNDS INCLUDING
ALKYLPOLYGLYCOSIDE SURFACTANTS HAVING REDUCED
IRRITATION CHARACTERISTICS

Art Unit : 1744
Examiner : Dawn Garrett

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER UNDER 37 C.F.R. § 1.312

S I R:

Receipt is acknowledged of the Notice of Allowance and Notice of Allowability both dated 22 March 2004.

In the Notice of Allowability, the Examiner has required that Applicants submit a Substitute Declaration to correct a deficiency in the Declaration that was filed on 10 March 1999. The deficiency is that the second named inventor, Dennis Thomas Smialowicz, did not put a date next to his signature.

It is respectfully requested that the requirement for a Substitute Declaration be reconsidered. Reconsideration is requested for two reasons. First, a newly executed Oath

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3 May 2004

Date of Deposit

Signature

Maryann White

Typed or Printed Name of Person Signing Certificate

Applicant : Robert Zhong LU et al.
Serial No. : 09/265,788
Filed : March 10, 1999
Page : 2 of 2

Attorney's Docket No.: 08291-482001 / 10254P3

or Declaration is no longer required because an execution date has been omitted. MPEP § 602.05 (Feb. 2003) states in part:

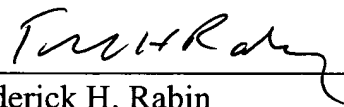
The Office no longer checks the date of execution of the Oath or Declaration and the Office will no longer require a newly executed Oath or Declaration . . . where the date of execution has been omitted.

Secondly, Applicants submit that the proper cure for an omitted date in a multi-inventor Declaration is for the inventor who neglected to date the original document to submit a statement that corrects the omission.

Accordingly, Applicants are now submitting a Declaration from inventor Smialowicz to the effect that he signed the original Declaration on or about 15 January 1999. It is believed that this Declaration should satisfy any possible objection arising from the omission of the date in the original Declaration.

Respectfully submitted,

Date: 3 May 04



Frederick H. Rabin
Reg. No. 24,488

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291